

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

Plaintiff,

v.

STATE OF RHODE ISLAND

Defendant.

Case No. CA14-175

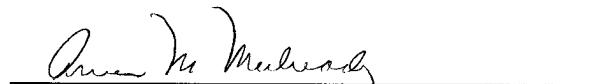
DECLARATION OF THE
RHODE ISLAND DISABILITY LAW CENTER, INC.

1. The Rhode Island Disability Law Center, Inc. is the non-profit law office which is the designated Protection and Advocacy agency for individuals with developmental disabilities in Rhode Island, pursuant to 42 U.S.C. § 15043.
2. As such, we represent individuals with developmental disabilities on a variety of disability-related legal issues, including eligibility for adult developmental disability services through the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities and Hospitals (BHDDH).
3. Rhode Island law indicates individuals over the age of eighteen years are eligible for adult developmental disability services from BHDDH. *See RI Gen Laws § 40.1-21-4.3 (5).*
4. Through our representation of individuals seeking developmental disability services from BHDDH, we have become aware of delays in the eligibility determination process for transition-age youth, i.e., individuals who are between the ages of fourteen and twenty-one.
5. For example, two of our transition-age clients have been waiting for months for a decision on their applications, without any response from BHDDH regarding when that decision will occur. Both clients are members of the Consent Decree's target population.
6. The first client is a nineteen year old young woman who uses a wheelchair. She was born with microcephaly and seizures, has cerebral palsy and an intellectual disability, as well as selective mutism and social phobias. At the urging of her high school, her parent completed an application for adult services in April 2015. Over eleven months later, the

family still waits for a decision regarding eligibility from BHDDH. For disability-related reasons the client struggles with maintaining attendance, and her family is anxious for some assistance in planning and accessing adult services.

7. The second client is a nineteen year old young man who has diagnoses of cerebral palsy, epilepsy, muscle disorders, scoliosis, asthma, and microcephaly. He is being provided educational services from his high school at home due to the difficulties of physically attending school. He and his parents completed an application for adult developmental disabilities services in March of 2015. Aside from a request for a signature in May of 2015 (which was complied with), however, there has been no formal communication since from BHDDH much less a decision regarding any eligibility for services. The client's school was informally advised that he would not be considered until age twenty-one.
8. Based on our experience in helping individuals access adult developmental disability services, we believe that these clients will be found eligible for services when BHDDH makes a determination on their applications.
9. We also believe that it will take a significant amount of time to plan for and locate appropriate services for these clients. Although they are currently in school, BHDDH participation in planning and coordination needs to be occurring now, so that these individuals will not experience gaps in services when they exit high school.
10. Since April 2014, advocates and/or family members contacting us on behalf of five additional transition age clients have reported that BHDDH indicated the individuals were not eligible for services until they turned twenty-one.

Respectfully submitted
For the Rhode Island Disability Law Center, Inc.


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